

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

| | | |
|-----------------------------------|---|----------------------|
| AARON ADAIL, Register No. 517081, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 06-4287-CV-C-SOW |
| |) | |
| LARRY CRAWFORD, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

On October 15, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 15, 2008, is adopted. [57] It is further

ORDERED that defendants' motion of September 9, 2008, to dismiss for plaintiff's failure to prosecute, pursuant to Rules 37(d) and 41(b), Federal Rules of Civil Procedure, is granted and plaintiff's claims are dismissed. [55]

/s/Scott O. Wright

SCOTT O. WRIGHT
Senior United States District Judge

Dated: November 24, 2008